

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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EPIC SYSTEMS CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:15-cv-00821-bbc
	)	
YOURCAREUNIVERSE, INC., MEDHOST,	)	
OF TENNESSEE, INC., AND MEDHOST	)	
DIRECT, INC.	)	
	)	
Defendants.	)	

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**MOTION FOR SUMMARY JUDGMENT**

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In accordance with Federal Rule of Civil Procedure 56, Defendants YourCareUniverse, Inc., MEDHOST of Tennessee, Inc., and MEDHOST Direct, Inc. hereby move for summary judgment on the following issues:

1. That the defendants are entitled to judgment in their favor on the plaintiff, Epic Systems Corporation's ("Epic"), claims for trademark infringement under 15 U.S.C. § 1114 and Wisconsin common law, and unfair competition under 15 U.S.C. § 1125 and Wisconsin common law because there is no likelihood of confusion concerning the plaintiff's CARE EVERYWHERE product and the defendants' YOURCAREEVERYWHERE services.

2. Even if the Court does not grant summary judgment in favor of the defendants on Epic's claims above, the Court should still grant summary judgment that Epic cannot establish that this case is an "exceptional" case within the meaning of the Lanham Act, and thus the defendants would not be liable for attorneys' fees under 15 U.S.C. § 1117(a)(3) if Epic were to prevail on its claims at trial.

The material facts are not genuinely disputed, and the defendants are entitled to judgment as a matter of law on each of these issues. The grounds for this motion are presented in the accompanying brief, proposed findings of fact, declarations, and supporting pleadings and papers filed previously or with this motion.

Dated: December 2, 2016

Respectfully submitted,

By: /s/ Jennifer L. Gregor

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